

**COUNCIL MEETING**  
**MONDAY, OCTOBER 16, 2017**  
**COUNCIL CHAMBERS**  
[www.lackawannany.gov](http://www.lackawannany.gov)

**Regular session of the Lackawanna City Council met in the Council Chambers, Council President Keith Lewis presiding. The meeting was preceded by the Pledge of Allegiance led by Council President Lewis.**

**Meeting called to order**

**NB: Meeting being recorded**

**Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis**

**Excused: Surdyke**

**Dept. Heads: Present: Law, Comptroller, Development, Recreation**

**Excused: Public Works, Public Safety**

**Approval of Minutes:** of regular meeting of October 2, 2017

Moved by Jerge seconded by Lewis to adopt minutes as written

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Departmental Reports:**

1. **City Comptroller** – A/P Check Listing #08, dated 09/28/2017
2. **City Comptroller** – A/P Check Listing #09, dated 09/29/2017
3. **City Comptroller** – A/P Check Listing #10, dated 10/04/2017
4. **City Comptroller** – A/P Check Listing #11, dated 10/06/2017
5. **City Comptroller** – A/P Check Listing #12, dated 10/06/2017
6. **City Treasurer** – Total Receipts Deposited in the General Fund Account, Sept. 2017
7. **City Clerk** – Clerk's Monthly Revenue Report, September, 2017.

Moved by Jerge seconded by Noman receive and file departmental reports one thru seven

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Waive Rules:**

Moved by Lewis seconded by Jerge to waive the rules for three items presented by the Mayor

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**CDBG Grant/Advertise for Bids/Croatian-Serbian Flags**

To: City Council

I am requesting the City Council waive the rules at the regular City Council meeting on October 16, 2017, for the following reasons:

- 1) Approve a resolution authorizing Mayor Geoffrey M. Szymanski to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDGB) Programs for the 2017-2018 grant cycle for the following projects:

1<sup>st</sup> Priority-Milling and paving of Madison Avenue, Jackson Avenue and Elm Street, estimated to cost \$135,000.00; and

2<sup>nd</sup> Priority-Milling and paving of the Lackawanna Public Library Parking Lot and Adjacent Event Lot, as well as any associated work, estimated to cost \$135,000.00.

- 2) I am requesting that the City Council direct the City Clerk to advertise for bids regarding Document 00020, the Ridge and Abbott Roads Intersection Modification Project, which involves the complete traffic signal system replacement at Ridge and Abbott Road as well new striping and traffic patterns.
- 3) I am requesting the City Council allow the Croatian and Serbian flags that were flown on the Ridge Road Bridge be donated to their respective parishes, with the exception of one each being retained by the City. The City ordered 16 of each for a total value of \$142.10 for 32 flags.

While I certainly appreciate the fact that the City Council would prefer not to waive the rules, this action is necessitated by the medical leave of the DPW Commissioner, who normally handles these types of communications prior to the agenda deadline. Thank you for your anticipated cooperation in this matter.

**MAYOR GEOFFREY SZYMANSKI**

- (1) Moved by Lewis seconded by Iafallo receive and file, act on resolution

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

- (2) Moved by Lewis seconded by Jerge approve request, direct City Clerk to advertise for bids

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

- (3) Moved by Lewis seconded by Iafallo approve request to donate flags

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

### **Communication from City Council:**

#### **Zoning Board of Appeals Meeting of July 18, 2017**

8. To: City Council

As Council President, I am requesting information pertaining to the July 18, 2017 meeting of the Lackawanna Zoning Board of Appeals. Inclusive in this request is the following information:

- 1) Full Audio recording of that meeting;
- 2) Transcript/minutes of that meeting;
- 3) Sign in sheet;
- 4) List of citizens who spoke;
- 5) City Attorney's written opinion on all claims made.

I had mentioned to Mr. Savaglio, that as per my understanding, I was going to be contacted by him prior to the agenda deadline, but as of the submission of this communication I have not heard from him.

I requested that the City Attorney have the listed items that I requested available for the October 16<sup>th</sup> regular meeting of the City Council.

**KEITH E LEWIS-COUNCIL PRESIDENT**

Moved by Lewis seconded Jerge refer to Executive Session

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Community Center-Funding**

9. To: City Council

Prior to our previous council meeting, we had a work session with Mr. Tony Masiello, the head of our lobbying firm, Masiello, Martucci, and Calabrese.

In the course of that meeting, there was some discussion about the possibility of applying for a grant from the Ralph C. Wilson Foundation to possibly help fund a community center. Mr. Masiello expressed an interest in helping to apply for that grant.

I requested that the Director of Development contact Mr. Masiello and initiate that process as soon as possible. The website is [ralphcwilsonjrfoundation.org](http://ralphcwilsonjrfoundation.org).

I will be following up regularly to check on our progress.

Thank you so very much for your anticipated cooperation.

**JOE JERGE-COUNCILMAN 3<sup>rd</sup> WARD**

Moved by Jerge seconded by Lewis receive and file, Director of Development to contact Mr. Masiello

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Communications from Department/Division Heads:**

**Troy and Banks Energy Audit**

10. To: City Council

Troy and Banks have performed an energy audit of the City's electric usage from September 2013 through July 2017 and as a result of the audit we will be receiving a refund of \$145,790.62 from National Grid. The fees for the audit are based on a percentage of our refund which will be approximately \$41,500.00. Based on the completion of the audit these fees are required to be recording in the 2016-2017 fiscal year.

As a result I am requesting to create a line item to record the City's Audit fee to Troy and Banks.

If you have any questions please feel free to contact me.

**CAROLYN NICOMETO-CITY COMPTROLLER**

Moved by Jerge seconded by Lewis receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Library Construction Grant-Revenue & Expense**

11. To: City Council

I am requesting a budget amendment increase of \$165,218.00 for budget account A.1440.444 Engineering-Grant Matches and an increase to account A..1289 Departmental Income-Other

General Government for the fiscal year 2017-2018. This adjustment is necessary to properly record the revenue and expense for the Library Construction Grant.

If you have any questions feel free to contact me.

**CAROLYN A NICOMETO-CITY COMPTROLLER**

Moved by Iafallo seconded by Jerge receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Budget Transfer-Travel Allowance-Assessor**

12. To: City Council

The City of Lackawanna Assessor's Office is requesting the transfer of funds from A1355.490 to A1355.464 in the amount of \$121.00 to cover the expenses for the NYSAA Seminar in Lake Placid.

**FRANK E KRAKOWSKI-CITY ASSESSOR**

Moved by Lewis seconded by Noman receive and file, act on ordinance

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Amend Municipal Code Chapters 5, 154 & 215**

13. To: City Council

Please put the attached ordinance on the agenda for council approval. Thank you.

**ANTONIO SAVAGLIO-CITY ATTORNEY**

Moved by Iafallo seconded by Lewis receive and file, act on ordinances

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Communications from Citizens:**

**Annual Fall Harvest Celebration**

14. To: City Council

I am requesting to block Steelawanna St. between Pearl St. and Washington St. on Tuesday, October 31<sup>st</sup> 4:30pm-8:30pm for the annual Lackawanna Fall Harvest Festival. Thank you.

**YAKEENA BURSE**

Moved by Lewis seconded by Noman grant request, direct the Director of Public Safety to assist in coordinating

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Resolution #20, 2017**

**Community Development Block Grant Funding**

**Whereas**, the City of Lackawanna is in need of funding for eligible programs under the Community Block Grant Program; and

Whereas, the City of Lackawanna is desirous of obtaining financial assistance for these proposals; and

**Whereas,** it is in the public interest that the City of Lackawanna apply for such financial assistance from the Community Development Block Grant Program through Erie County Department of Environment & Planning; and

**Whereas,** a public hearing was held on September 27, 2017 in the Council Chambers of Lackawanna City Hall for citizen input and suggestions for projects to be submitted for funding, and

**Whereas,** the Lackawanna City Council submits the following projects to be considered for funding by the CDBG Program during the 2017-2018 grant cycle:

1<sup>st</sup> Priority — Milling and paving of Madison Avenue, Jackson Avenue and Elm Street, estimated to cost \$135,000.00; and

2<sup>nd</sup> Priority — Milling and paving of the Lackawanna Public Library Parking Lot and Adjacent Event Lot, as well as any associated work, estimated to cost \$135,000.00.

**Now, therefore be it resolved,** that the Lackawanna City Council Authorizes Mayor Geoffrey M. Szymanski to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) Program for the cited projects upon approval of the ECCDBG; and

**Be it further resolved,** that the City of Lackawanna will provide a 25% in-kind match using force account labor for each project, valued at \$35,000.00 for each project from line item A.5110.101, Maintenance of Streets — Personal Services.

**THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis seconded by Noman adopt resolution as written  
Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**Ordinances:**

**(1) Troy and Banks Energy Audit**

**AN ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE ADOPTED JUNE 16, 2016**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the 2016-2017 Budget Ordinance adopted June 16, 2016 is hereby amended to create line item A.5182.469 Street Lighting Consulting Fees and increase appropriations and revenue for Refund Prior Period Expense for the refund of the Troy and Banks Energy Audit.

**SECTION 2.** That the 2016-2017 Budget Ordinance is hereby amended to create line item A.5182.469 Street Lighting Consulting Fees

**SECTION 3.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code A.5182.469 Street Lighting Consulting Fees by \$41,500.00

**SECTION 4.** That the 2016-2017 Budget Ordinance is hereby amended to increase budget code A..2701 refund of Prior Year Expense \$41,500.00

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Lewis to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**(2) Library Construction Grant**

**AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Engineering-Grant Matches and increase appropriations for Departmental Income-Other General Government

**SECTION 2.** That the 2017-2018 Budget Ordinance is hereby amended to increase by \$165,218.00 budget code A.1440.444 Engineering-Grant Matches

**SECTION 3.** That the 2017-2018 Budget Ordinance is hereby amended to increase by \$165,218.00 budget code A..1289 Departmental Income-Other General Government

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis seconded by Noman to adopt ordinance as written

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**(3) Assessor Travel Allowance**

**AN ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE ADOPTED JUNE 7, 2017**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York as follows:

**SECTION 1.** That the 2017-2018 Budget Ordinance adopted June 7, 2017 is hereby amended to increase appropriations for Assessment-Travel Allowance and decrease appropriations for Assessment-Web Site Maintenance

**SECTION 2.** That the 2017-2018 Budget Ordinance is hereby amended to increase by \$121.00 budget code A.1355.464 Assessment-Travel Allowance

**SECTION 3.** That the 2017-2018 Budget Ordinance is hereby amended to decrease by \$121.00 budget code A.1335.490 Assessment-Web Site Maintenance

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis seconded by Jerge adopt ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**(4) Vital Records-Fee**

**AN ORDINANCE AMENDING CHAPTER 5, ADMINISTRATION OF  
GOVERNMENT, OF THE CITY OF LACKAWANNA MUNICIPAL CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New  
York as follows:

Section 5-59 (A) shall be amended by adding the following:

8. For an amended birth, death or marriage certificate \$2.00

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis seconded by Noman adopt ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**(5) Mobile Homes and Mobile Home Courts**

**AN ORDINANCE AMENDING CHAPTER 154, MOBILE HOMES AND  
MOBILE HOME COURTS, OF THE CITY OF LACKAWANNA MUNICIPAL  
CODE**

BE IT ENACTED by the City Council of the City of Lackawanna, New  
York as follows:

Section 154-6. Placement of mobile homes and housing is hereby rescinded  
and replaced as follows:

- A. No mobile homes or housing shall be placed anywhere in the City of Lackawanna except in a mobile home court as defined herein.
- B. No recreational vehicles, coaches, house trailers (travel or vacation), buses, boat or boat and trailer combination may be parked on City streets, stored or left standing in the front yard of any lot containing a one-family or multifamily residence in the City of Lackawanna.
- C. Notwithstanding subsection B above, recreational vehicles, coaches, house trailers (travel or vacation), buses, boat or boat and trailer combination may be allowed to be parked within the driveway of any lot containing a one or multifamily residence in the City of Lackawanna between May 1 and October 31. Furthermore, any of the aforementioned vehicles described in this subsection must be in good working order and legally registered in accordance with NYS DMV regulations to remain so parked.

- D. No recreational vehicles, coaches or house trailers (travel or vacation), buses, boat or boat and trailer combination may be allowed to be parked or stored within lots containing one-family or multifamily residence in the City of Lackawanna between November 1 and April 30, except in accordance with Subsection E below.
- E. This section does not apply to the rear portion of any lot described herein, provided that said boat, trailer, or other vehicles described in Subsection B above are parked or stored more than 10 feet from any one-family or multifamily residence in the City of Lackawanna.
- F. At no time shall any person live or sleep, permanently or temporarily in any of the aforementioned vehicles in Subsection B while they are parked or stored within any portion of the lot or driveway.
- G. In addition to restrictions set forth in section, no vehicle longer than 240 inches inclusive of load and bumper or wider than 84 inches or higher than 84 inches as measured from the underside of the tire to the top of the vehicle, shall be parked on any City street, stored or left standing in the front yard of any lot containing a one-family or multifamily residence in the City of Lackawanna.
- H. The provisions of subsection G shall not apply to vehicles engaged in making pickups, deliveries or rendering services in or upon any property adjacent or abutting the street where said vehicles are parked.

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Lewis seconded by Iafallo adopt ordinance as written  
Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

**(6) No Parking-Electric Ave**

**AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF  
THE CITY OF LACKAWANNA MUNICIPAL CODE**

**BE IT ENACTED** by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall be amended to add the following:

62. Electric Avenue

On the east side:

No parking from south curb line of Modern Avenue and the north curb line of Arnold Place

**THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY**

Moved by Iafallo seconded by Noman adopt ordinance as written  
Yeas: Noman Iafallo, Jerge, Lewis

Carried 4-0



**Executive Session:**

Moved by Lewis seconded by Iafallo enter into executive session @ 7:16 PM

Meeting reconvened @ 7:36 PM

**Roll Call: Council: Present: Noman, Iafallo, Jerge, Lewis**

**Adjournment:**

Moved by Lewis seconded by Iafallo meeting adjourned

Yeas: Noman, Iafallo, Jerge, Lewis

Carried 4-0

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Keith E. Lewis, Council President

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Jeffrey P DePasquale, City Clerk